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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL CHURCH OF THE
FOURSQUARE GOSPEL

Plaintiff,

v.

CITY OF SAN LEANDRO, TONY SANTOS
(in his official capacity), SURLENE G.
GRANT (in her official capacity), DIANA M.
SOUZA (in her official capacity), JOYCE R.
STAROSCIAK (in her official capacity), BILL
STEPHENS (in his official capacity), JIM
PROLA (in his official capacity), JOHN
JERMANIS (in his official and individual
capacities), DEBBIE POLLART (in her official
and individual capacities), DOES 1-50.

Defendants.

Case No. C 07-03605 PJH

DECLARATION OF HANSON HOM

Date: September 5, 2007
Time: 9:00 a.m.
Crtrm: 3
Complaint Filed: 7/12/07
Hon. Phyllis J. Hamilton

1 I, Hanson Hom, declare as follows:

2 1. The following facts are within my personal knowledge and, if called upon to testify, I
3 could and would testify competently with respect thereto.

4 2. I was initially hired as the Planning Manager for the City of San Leandro ("City") in
5 February 1999. I became the acting Community Development Director in May 2000 and served in
6 this capacity through May 2007. I was a full time employee from February 1999 through May 2007.
7 I am currently the Director of Community Development for the City of Sunnyvale.

8 3. During my employment with the City, Plaintiffs have been located at 577 Manor
9 Avenue, San Leandro ("Manor Location"). On May 15, 2000, the City Council approved Plaintiffs'
10 Planned Development application to expand the church buildings at the Manor Location. The
11 approved plan allowed Plaintiffs to build a new 13,870 square foot sanctuary/office building on a lot
12 adjoining the Manor Location.

13 4. In my capacity as the Planning Manager and later as the Community Development
14 Director, I oversaw the update of the San Leandro General Plan from February 1999 to June 2001.
15 The General Plan update was guided by the General Plan Advisory Committee ("GPAC") which
16 consisted of approximately fifty-nine residents and business representatives appointed by the City
17 Council. During the first phase of the General Plan update, the GPAC was divided into four
18 subcommittees, each of which corresponded to a component of the General Plan. The subcommittees
19 identified ten "Focus Areas" within the City. Each Focus Area had unique issues which required
20 more detailed discussion than was provided in the rest of the General Plan. One of the ten Focus
21 Areas created was the West San Leandro Business District.

22 5. The General Plan discussion related to the West San Leandro Focus Area states the
23 importance of preserving a supportive environment for industrial and technology activity. The
24 General Plan also indicates that residential uses in the West San Leandro Focus Area should be
25 strictly limited to minimize land use and traffic conflicts.

26 6. In my capacity as Community Development Director, I have dealt with Faith
27 Fellowship Foursquare Church and its representatives (hereinafter "Plaintiffs") on several different
28 occasions in connection with their property located at 14600 and 14850 Catalina Street ("Property").

1 7. On May 3, 2006, in my capacity as Community Development Director, I, along with
2 then-acting Business Development Manager, Luke Sims, and then-acting Planning Manager, Debbie
3 Pollart met with Plaintiffs regarding their desire to relocate to a non-residential district. Plaintiffs
4 informed us that they were interested in purchasing the Property, which is located in the City's
5 Industrial Park ("IP") zoning district and the West San Leandro Focus Area. During our May 3rd
6 meeting, I informed Plaintiffs that based on General Plan policies, the City Council had a strong
7 preference for maintaining the industrial districts for industrial uses and was typically reluctant to
8 convert industrial land to non-industrial use. We informed Plaintiffs that pursuant to the current San
9 Leandro Zoning Code ("Zoning Code") assembly uses were not allowed within the IP district.
10 Plaintiffs indicated that, City Council preferences notwithstanding, they were interested in moving
11 forward with relocating to the Property. Plaintiffs inquired as to the options available for relocating
12 to the IP zoning district. In response to Plaintiffs' inquiry, we advised Plaintiffs that in order to
13 relocate to the Property, one option would be to enact two Zoning Code amendments: (1) an
14 amendment of the zoning map to designate the Property as Industrial Limited ("IL"); and (2) an
15 amendment of the Zoning Code to make assembly uses conditionally permitted in the IL zoning
16 district.

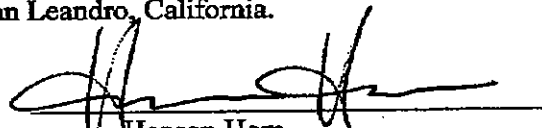
17 8. At the time of the May 3, 2006 meeting, City staff advised Plaintiffs that a Zoning
18 Code amendment to allow assembly uses in an IL zoning district might be more amenable than
19 allowing such uses in an IP zoning district because, from staff's perspective, existing IL parcels are
20 more typically located in transitional or mixed use areas where General Plan policies allow
21 consideration of rezoning for other uses. More specifically, the IL district's purpose is to provide
22 areas of low-to moderate-intensity industrial uses which are capable of being located adjacent to
23 residential areas and serve as a buffer between residential areas and light industry. Alternatively,
24 allowing assembly uses in an IP zoning district might not be considered compatible with existing
25 industrial uses. The IP zoning designation is meant to serve commerce, high technology, production
26 and assembly, retail and related uses. City staff noted that the Property is located in one of the City's
27 larger contiguous IP districts.

1 9. After reviewing Plaintiffs' application, staff realized that the application raised larger
2 General Plan and policy issues regarding the location of assembly uses. More specifically, staff
3 realized that the expansion of assembly uses outside of residential zoning districts presented a major
4 shift in policy regarding location of assembly uses in the City, and that the proposed expansion of
5 assembly uses outside of residential districts would require input and analysis from the City Council,
6 Planning Commission, and Board of Zoning Adjustments in order to ensure that such a shift in policy
7 was consistent with the General Plan. Additionally, staff identified other options for expanding
8 assembly uses into non-residential districts which warranted further study. The option that was
9 eventually adopted by the City Council consisted of an assembly overlay district, which identified
10 more parcels in the City for possible assembly uses than the IL rezoning option that was first
11 discussed with the Plaintiffs.

12 10. During my tenure as Community Development Director, any proposed land use that
13 involved a proposed rezoning of an industrial parcel that abuts another industrial parcel was also
14 evaluated to consider issues of noise, use of and exposure to hazardous materials, land use
15 compatibility, traffic, odors and aesthetic impacts.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct.

18 Executed on this 14 day of August in San Leandro, California.

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20 
21 Hanson Hom

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